REMARKS/DISCUSSION OF ISSUES

Claims 1-17 and 21-23 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

35 U.S.C. § 103

The FINAL Office Action rejects 1, 2, 6, 9, 10, 14, 17 and 21 under 35 U.S.C. § 103 over Fleming et al. U.S. Patent 6,449,766 ("Fleming") in view of Whitelaw et al. U.S. Patent 6,944,876 ("Whitelaw"); claims 3-5, 11-13 and 22 under 35 U.S.C. § 103 over Fleming in view of Whitelaw and further in view of Siegel et al. U.S. Patent Publication 2003/0056212 ("Siegel"); and claims 7-8, 15-16 and 23 under 35 U.S.C. § 103 over Fleming in view of Whitelaw and further in view of Yuen et al. U.S. Patent 6,583,825 ("Yuen").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

Among other things, the device of claim 1 includes a processor which is configured to read an origin code embedded in content received by the device.

The Office Action states that Fleming discloses in col. 9, lines 22-30 that "*the region code, represents a region, is included in the signal.*"

Applicant respectfully disagrees.

Col. 9, lines 22-30 of Fleming describes a "Region field" 402(1)(e) in a **data structure 300** that is created and stored in memory by Fleming's system **before the system receives any content** (see, e.g., col. 11, lines 19-22; col. 12, lines 14-15. Fleming does not disclose any processor that configured to **read an origin code embedded in content received by the device** as recited in claim 1.

Therefore, no combination of Fleming and Whitelaw could produce the device of claim 1.

Also among other things, the device of claim 1 includes a processor configured to allow access to received content only when a descriptor stored in a memory of the device is substantially identical to an origin code embedded in the

received content.

The Office Action fails to cite anything in any of the prior art references which discloses or suggest this feature.

Instead, the Office Action states that Fleming discloses matching "***rating information*** *provided in the multimedia program with the rating stored in the data structure*" (emphasis added).

Of course, that is not what Applicant claims.

Applicant claims a device including a processor configured to allow access to received content only when a descriptor stored in a memory of the device is substantially identical to **an origin code** embedded in the received content.

So, again, no combination of Fleming and Whitelaw could produce the device of claim 1.

As explained in further detail below, Applicant also respectfully submits that there is no rational basis for the combination of Fleming and Whitelaw as proposed, and therefore the combination is improper.

RESPONSE TO RESPONSE TO ARGUMENTS

In the "Response to Arguments" section, the FINAL Office Action states that:

> "*Fleming further discloses (col. 11, lines 19-32) that once the rating system with region code is properly stored in the memory of the receiver, CPU in the client device identifies rating of multimedia program by extracting rating (region information) from the multimedia program and reading this region information to match it with the stored region information as represented in FIG. 5*"

Applicant respectfully disagrees.

In the cited text at col. 11, lines 19-32, Fleming discloses that once the **rating systems** are represented in the memory 400 in a flexible data structure (which includes a region field as noted above), then the client system uses the flexible data structure to identify the **rating** of a multimedia program by, for example, extracting

the rating from the multimedia program – for example by extracting the rating from line 21 of the vertical blanking interval (VBI) of a an NTSC video signal.

The Examiner appears to be confusing a flexible data structure (which includes a region field as noted above) for storing a **rating system** in memory, and an actual **rating** of a program that is included in a received broadcast signal.

The flexible data structure for storing a **rating system** in memory includes a host of information in addition to the region field 402(1)(e). For example, the flexible data structure stored in memory includes: an icon field 402(1)(c) which may include a graphics files (e.g., JPG or BMP) that identifies a rating system; an informal field 402(1)(d) which may include an Internet address of a Web page that describes the rating system; and other information fields 402(1)(g) "*which may contain **any** imaginable information concerning the rating system*" that may be useful to a user.

The **rating** is information that is actually included in a broadcast program and which provides information about the content of the program (see, e.g., col. 1, lines 13-15).

The **rating** which is broadcast most certainly does NOT include all of the fields of the **rating system** stored in the memory. There is nothing in Fleming which discloses or remotely suggests that any rating that is included in any broadcast signal also includes an icon, an Internet address of a Web page that describes the rating system, or . . . a region from which the program originates.

Indeed, this should not be surprising. Fleming is not art all concerned with restricting any access to a program based on a geographic region from which the program originated. Instead, Fleming is concerned with provided a flexible system which can extract rating information from programs that have been rated using a wide variety of different and inconsistent rating systems.

So Applicant respectfully submits that no combination of Fleming and Whitelaw could produce the device of claim 1.

Applicant has also traversed the proposed combination of Fleming and Whitelaw.

The FINAL Office Action invites Applicant to point out deficiencies in the

proposed combination of references.

A rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See M.P.E.P. § 2142 (quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) and KSR 82 USPQ2d at 1396 (2007) (quoting Federal Circuit statement with approval)).

Applicant respectfully submits that the proposed combination of Fleming and Whitelaw to attempt to construct the method of claim 1 is not based on an articulated reasoning with any rational underpinnings, but instead is based on conclusory statements.

The FINAL Office Action provides as a supposed reason of the proposed combination: "*so the only authorized user of the device can access the programming content*."

However, Applicant submits that this proposed reason makes no sense for at least two reasons.

First, claim 1 recites allowing access to received content only when a descriptor stored in memory is substantially identical to an origin code embedded in the content received by the device. This has nothing to do with who the user of the content is, or with insuring that "*only authorized user of the device can access the programming content*." So this reason for modifying Fleming would not produce any modification that would yield the method of claim 1.

Second, Whitelaw does not even disclose in the cited text that a content-based indicator received in a signal is compared to a content-based indicator stored in memory so that "*only authorized user of the device can access the programming content*." Instead, the cited text at col. 1, lines 33-35 specifically teaches that: "*Yet other lock systems serve to make* ***the entirety of the system unavailable*** *to authorized users*." That is, the entire system is locked out to an unauthorized user, **regardless of the content**. So clearly there would be no comparison of a content-based indicator received in a signal to anything.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is clearly patentable over the cited art.

Claims 2 and 6

Claims 2 and 6 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 9

Among other things, the method of claim 9 includes comparing a descriptor embedded in content with an origin code, and allowing access of the content only when the descriptor the said origin code are substantially identical.

As explained above with respect to claim 1, Applicant respectfully submits that no possible combination of the cited art suggests such an operation. Furthermore, as explained above, Applicant also respectfully submits that there is no rational basis for the combination of Fleming and Whitelaw as proposed, and therefore the combination is improper.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 9 is clearly patentable over the cited art.

Claims 10, 14 and 17

Claims 10, 14 and 17 depend from claim 9 and are deemed patentable for at least the reasons set forth above with respect to claim 9.

Claim 21

Among other things, the device of claim 21 includes means for reading an origin code embedded in received content, the origin code identifying a geographical area of origin of the received content; and means for the origin code with a descriptor stored in a memory of the device.

As explained above with respect to claim 1, Applicant respectfully submits that no possible combination of the cited art suggests any device that includes the means recited above. Furthermore, as explained above, Applicant also respectfully submits that there is no rational basis for the combination of Fleming and Whitelaw as proposed, and therefore the combination is improper.

Accordingly, for at least these reasons, Applicant respectfully submits that

claim 9 is clearly patentable over the cited art.

Claims 3-5, 7-8, 11-14, 15-16, and 22-23

Claims 3-5, 7-8, 11-14, 15-16, and 22-23 depend variously from claims 1, 9 and 21.

Applicant respectfully submits that neither Siegel nor Yuen nor any combination thereof remedies the shortcomings of Fleming and Whitelaw as set forth above with respect to claim 1, 9 and 21. Accordingly, Applicant respectfully submits that claims 3-5, 7-8, 11-14, 15-16, and 22-23 are all patentable over the cited art for at least the reasons set forth above with respect to claims 1, 9 and 21, respectively, and for the following additional reasons.

Claims 3-5, 11-13 and 22

Among other things, in the method of claim 3 usage rules are further embedded in the content, and the processor is further configured to read the usage rules and determining the access to the content based on the usage rules.

Other features pertaining to "usage rules" can be found in claims 4-5, 11-13 and 22.

The FINAL Office Action fairly admits that neither Fleming nor Whitelaw nor any combination thereof discloses or suggests these features pertaining to usage rules.

However, the FINAL Office Action states that Siegel discloses in paragraph [0008] that the audio/video contents transmitted to a customer includes a usage rule.

Applicant respectfully disagree. Applicant see nothing in paragraph [0008] that discloses that any audio/video contents transmitted to a customer includes a usage rule. Furthermore, claim 3 actually recites that usage rules are **embedded** in the content. Applicant does not see any disclosure of the embedding of such usage rules in Siegel. Indeed, the Office Action does not even appear to bother to assert that Siegel discloses such a feature.

The FINAL Office Action also states that Siegel discloses a "*usage rule as represented in Fig. 8*." FIG. 8 of Siegel is a block diagram of a general purpose computer. It does not "represent" any usage rule.

Accordingly, for at least these additional reasons, Applicant respectfully submits that no combination of Fleming, Whitelaw and Siegel could ever produce the devices and methods of claims 3-5, 11-13 and 22.

Claim 23

Among other things, the device of claim 23 includes means for denying access to received content when a time zone of an origin code embedded in received content does not match a time zone of a descriptor stored in the memory.

Applicant sees nothing in the FINAL Office Action that even alleges that anything in Fleming, Whitelaw and Yuen – or any combination thereof – teaches denying access to received content when a time zone of an origin code embedded in received content does not match a time zone of a descriptor stored in the memory.

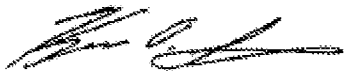
Accordingly, for at least these additional reasons, Applicant respectfully submits that no combination of Fleming, Whitelaw and Yuen could ever produce the device of claim 23.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-17 and 21-23 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT



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